

IN RE: PETITION FOR SPECIAL HEARING  
W/S of Gore Mill Road, 1.875' N  
of its intersection with  
Middletown Road  
(19960 Gore Mill Road)  
6th Election District  
and Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-260-SPH

Joseph S. Fabula, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the non-density transfer of 3.9293 acres for a proposed resubdivision as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Kevin and Claire M. Fabula, their son and daughter-in-law, appeared and testified. Also appearing on behalf of the Petition was J. Finley Ransone, Registered Land Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 19960 Gore Mill Road, presently consists of two parcels owned by Joseph and Barbara Fabula. One parcel contains 7.1761 acres, more or less, zoned R.C. 2, and is improved with a dwelling, storage shed, storage barn, animal barn, and greenhouses. This parcel contains two density units, one of which is utilized by the existing farm house. The second parcel contains 3.9293 acres, more or less, and is the subject of this case. Testimony indicated that the Petitioners purchased the second parcel in 1990. The Petitioners seek the approval of a non-density transfer of this 3.9293 acres to the 7.1761 acre parcel as depicted on Petitioner's Exhibit 1. This non-density transfer would then create one parcel of land containing 11.1054 acres, more or less. After this transfer is made, the Petitioners wish to create a second lot containing 1.8467 acres, more or less, in the

northeast corner of the property. Testimony indicated that the Petitioners' children, Kevin and Claire Fabula, intend to live in the existing farm house and wish to construct a new dwelling on the proposed lot for their parents. This newly created lot would utilize the second, and final, density unit associated with the Fabula property.

The Petitioners' request for non-density transfer also requires additional relief to be granted. By virtue of this non-density transfer, the Petitioners have altered Lot 1 of "Carey's Folley", an adjacent subdivision. Because of this, the Petitioners shall submit and record a revised site plan of "Carey's Folley" to show this change.

The Petitioners also desire to transfer the one remaining density unit from their property as it currently exists to the newly created lot upon completion of the non-density transfer. This transfer shall be granted and the Petitioner shall submit a new site plan depicting the two new lots that have been created pursuant to the relief granted in this Order. Petitioner shall also prepare new deeds to be recorded in the Land Records of Baltimore County describing these two new lots.

It should be noted that the Department of Environmental Protection and Resource Management has reviewed the Petitioner's proposal and approves their request.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of February, 1992 that the Petition for Special Hearing to approve the non-density transfer of 3.9293 acres for a proposed resubdivision, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order and prior to the issuance of any permits, Petitioners shall submit an approved copy of the Final Amended Development Plan of Carey's Folley for inclusion in the case file. Said Final Amended Development Plan shall reference this case and the restrictions contained herein.

3) Within thirty (30) days of the date of this Order and prior to the issuance of any permits, Petitioners shall submit a copy of the Amended Record Plat for Carey's Folley for inclusion in the case file. Said Amended Record Plat shall reference this case and incorporate the relief granted herein.

4) Within thirty (30) days of the date of this Order and prior to the issuance of any permits, Petitioners shall submit an approved Development Plan for Fabula Farm for inclusion in the case file. Said Development Plan shall reference this case and the restrictions contained herein.

5) Within thirty (30) days of the date of this Order and prior to the issuance of any permits, Petitioners shall submit a copy of the Final Plat of Fabula Farm for inclusion in the case file. Said Final Plat shall reference this case and incorporate the relief granted herein.

- 3 -

6) Within sixty (60) days of the date of this Order, Petitioners shall cause a copy of this Order and revised site plan incorporating the relief granted herein to be recorded in the Land Records of Baltimore County. In addition, a new deed shall be recorded in the Land Records of Baltimore County which references this case and the restrictions and conditions set forth herein. A copy of the recorded Order and deed shall be forwarded to the Zoning Commissioner's Office for review and inclusion in the case file.

7) When applying for any building permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

- 4 -

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

February 19, 1992

(410) 887-4386

Mr. & Mrs. Joseph S. Fabula  
19960 Gore Mill Road  
Freeland, Maryland 21053

RE: PETITION FOR SPECIAL HEARING  
W/S Gore Mill Road, 1.875' N of its intersection with Middletown Road  
(19960 Gore Mill Road)  
6th Election District - 3rd Councilmanic District  
Joseph S. Fabula, et ux - Petitioners  
Case No. 92-260-SPH

Dear Mr. & Mrs. Fabula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 897-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Claire M. Fabula  
527 Monkton Road, Monkton, Md. 21111

People's Counsel

File

## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

A NON-DENSITY TRANSFER FOR THE EXISTING FOUR ACRE LOT LOCATED NORTH OF THE FABULA FARM. THIS WILL PERMIT THE OWNERS TO RESUBDIVIDE THE LAND AS SHOWN ON THE PLAN THAT ACCOMPANIES THIS PETITION.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

JOSEPH S. FABULA

(Type or Print Name)

Signature

BARBARA FABULA

(Type or Print Name)

Signature

19960 GORE MILL ROAD (410) 357-8940

Address

FREELAND, MARYLAND 21053

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

CLARE M. FABULA

527 MONKTON ROAD

MONKTON, MD 21111

(410) 357-4838



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING (1/2HR) + 1HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY: LG DATE: 12-23-91

December 14, 1991

#### ZONING DESCRIPTION

19960 Gore Mill Road

ALL that piece or parcel of land situate, lying, and being in the Sixth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at a point in or near the center of Gore Mill Road, 1.875 feet more or less from the intersection of Gore Mill Road and Middletown Road, thence binding on the outlines of the property of the petitioners herein, and continuing to bind in the center of said Gore Mill Road;

- 1) North 59 degrees 27 minutes 15 seconds East, 200.81 feet,
- 2) North 29 degrees 07 minutes 45 seconds East, 178.22 feet,
- 3) North 56 degrees 29 minutes 15 seconds East, 50.00 feet,
- 4) North 78 degrees 53 minutes 45 seconds East, 52.57 feet,
- 5) North 86 degrees 41 minutes 45 seconds East, 51.20 feet,
- 6) North 81 degrees 08 minutes 15 seconds East, 30.45 feet, thence leaving said road;
- 7) North 12 degrees 20 minutes 15 seconds East, 132.20 feet,
- 8) North 52 degrees 51 minutes 10 seconds West, 62.92 feet,
- 9) thence by a line curving toward the left having a radius of 775.01 feet for an arc distance of 226.77 feet, the chord of said arc bearing:  
North 20 degrees 58 minutes 59 seconds East, 226.77 feet,
- 10) North 66 degrees 01 minutes 37 seconds West, 297.58 feet,
- 11) South 72 degrees 13 minutes 11 seconds West, 728.15 feet,
- 12) South 51 degrees 20 minutes 50 seconds West, 151.87 feet,
- 13) South 48 degrees 47 minutes 39 seconds East, 751.57 feet, to the point of beginning.

CONTAINING 11.10 acres of land more or less.

BEING known as No. 19960 Gore Mill Road.

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 6th  
Posted for: Joseph S. & Barbara Fabula  
Petitioner: Joseph S. & Barbara Fabula  
Location of property: 19960 Gore Mill Rd.  
Location of Sign: 19960 Gore Mill Rd., across 17th St. Towson, Md.  
Remarks: Property of Petitioner  
Posted by: [Signature]  
Number of Signs: 7  
Date of Posting: 1/19/92  
Date of return: 1/24/92

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/16, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992

THE JEFFERSONIAN.

S. Zafe Orlan  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located within the Sixth Election District in Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case Number: 92-260-SPH  
1975 N. of Middletown Rd.  
19960 Gore Mill Road  
6th Election District  
3rd Councilmanic District  
Petitioners:  
Joseph S. Fabula and  
Barbara Fabula  
Hearing Time: Wednesday,  
Feb. 19, 1992 at 11:00 a.m.  
Special Hearing: to approve a non-density transfer for the existing four acre lot located north of the Fabula Farm.  
LAWRENCE E. SOCMONT,  
Zoning Commissioner of  
Baltimore County  
TJ/1/17/92 January 18

\$82.86  
+ 25  
107.86

# CERTIFICATE OF PUBLICATION

TOWSON, MD.

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16/92.

TOWSON TIMES.

Publisher

\$8246

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

12/31/91

Account: R-001-6150  
Number  
H9200275

PUBLIC HEARING FEES

QTY

PRICE

030 -SPECIAL HEARING (TRL)

1 X

\$35.00

LAST NAME OF OWNER: FABULA

TOTAL:

\$35.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

12/31/91

Account: R-001-6150  
Number

PUBLIC HEARING FEES

QTY

PRICE

030 -SPECIAL HEARING (TRL)

1 X

\$35.00

LAST NAME OF OWNER: FABULA

TOTAL:

\$35.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 1-22-92

Joseph and Barbara Fabula  
17960 Gore Mill Road  
Freeland, Maryland 21053

RE:

CASE NUMBER: 92-260-SPH

1075' N of c/v1 Middletown Road

17960 Gore Mill Road

6th Election District - 3rd Councilmanic

Petitioner(s): Joseph S. Fabula and Barbara Fabula

Dear Petitioner(s):

Please be advised that \$ 107.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JAN 08 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-260-SPH

1075' N of c/v1 Middletown Road

17960 Gore Mill Road

6th Election District - 3rd Councilmanic

Petitioner(s): Joseph S. Fabula and Barbara Fabula

HEARING: WEDNESDAY, FEBRUARY 5, 1992 at 11:00 a.m.

Special Hearing to approve a non-density transfer for the existing four acre lot located north of the Fabula Farm.

Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Joseph and Barbara Fabula  
Clare M. Fabula

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

12/31/91

Account: R-001-6150  
Number

FABULA

19960 Gore Mill Rd

1375 N of d. Middletown Rd

Special Hearing

ED 6  
CD 3

\$3500

Please Make Checks Payable To: Baltimore County  
By: 100-188412-21 91

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 27, 1992

Mr. & Mrs. Joseph S. Fabula  
19960 Gore Mill Road  
Freeland, MD 21053

RE: Item No. 275, Case No. 92-260-SPH  
Petitioner: Joseph S. Fabula, et ux  
Petition for Special Hearing

Dear Mr. & Mrs. Fabula:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: January 27, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

James E. Oyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

23th day of December, 1992.

Arnold Jablon  
DIRECTOR

Received By:

James E. Oyer  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Joseph S. Fabula, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: January 23, 1992

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Fabula Property, Item No. Not provided  
Devenport Property, Item No. Not provided  
Raine Property, Item No. 279

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

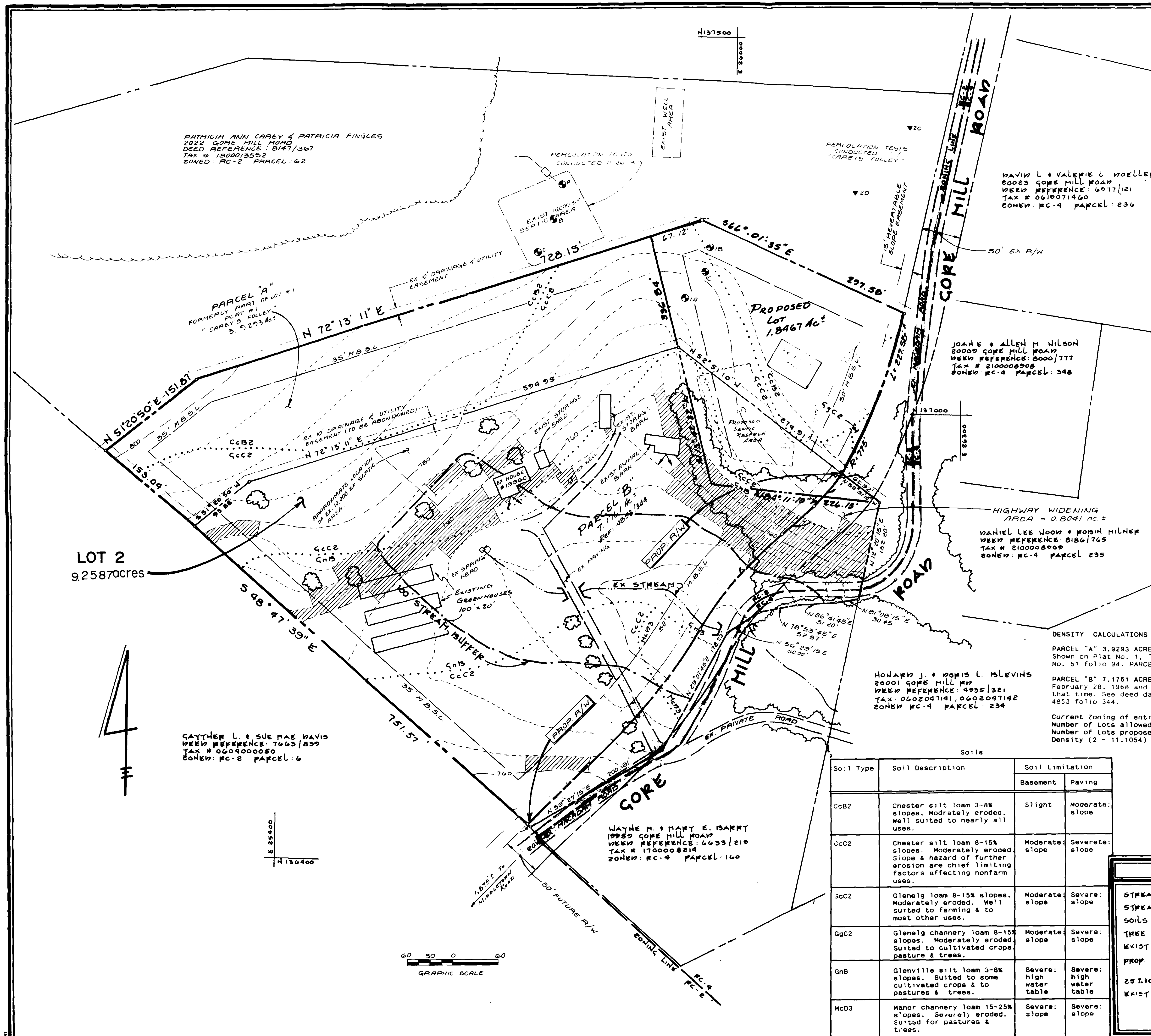
Report prepared by:

Jeffrey Long

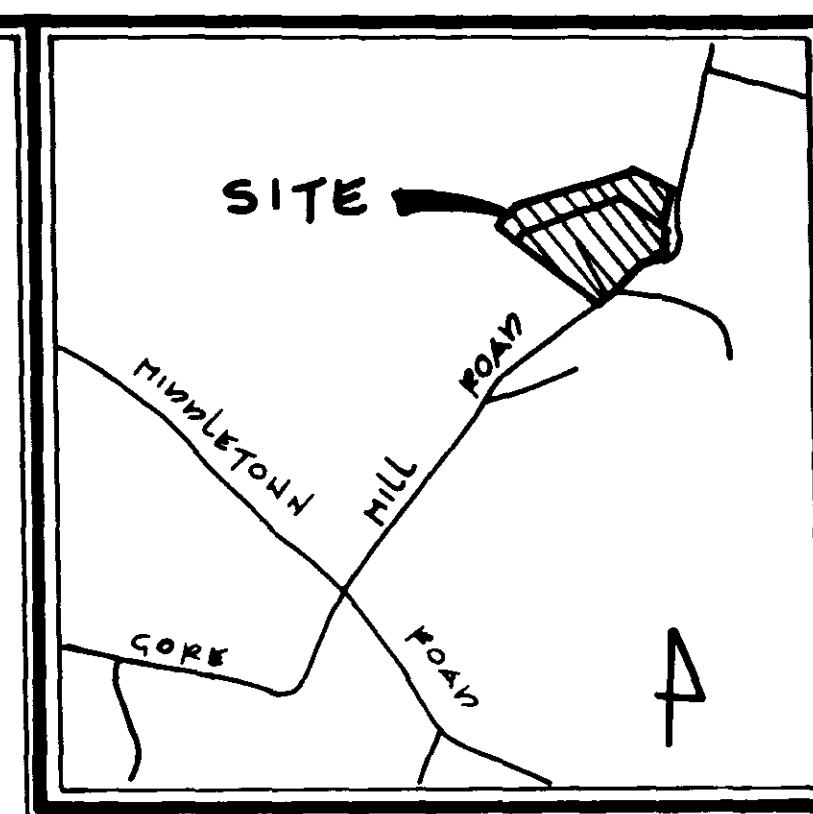
GLK/JL:rdn  
ITEM279/TXTRO2







- GENERAL NOTES**
- Information regarding subject property:  
Owner: Joseph S. & Barbara K. Fabula  
19980 Gore Mill Road  
Freeland, Maryland 21053  
Deed Reference: 4853/344  
Tax Account Number: 0806008010
  - Photogrammetric Map References:  
North West 34 E & 35 E
  - Current Zoning: RC-2
  - Tax Map No. 11, Parcel 221
  - Soils Map Reference: 4
  - Flood Data: Community No. 140010  
Panel No. 0050 B, Zone C
  - Election District: 6  
Census tract: 4080  
Councilmanic District: 3  
Regional Planning District: 301 B  
Watershed: Gunpowder  
Subwatershed: 081
  - Site Area: Lot 1 = 1.847 Acres  
Lot 2 = 9.2587 Acres
  - There are no known potentially hazardous materials on this site.
  - There are no underground fuel storage tanks.
  - All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, wetland, storm drain or adjacent property.
  - In wooded areas, tree clearing is limited to 11,000 sq ft per lot. In general, removal of trees should be minimized.
  - All impervious areas should be limited to 30 percent of cleared area and conveyed as sheet flow through vegetated areas without concentrating or causing erosion.
  - House down spouts are to be discharged onto pervious areas or into dry wells, where feasible.
  - Acceptance of this plan in no way binds Baltimore County to refuse collection of this development. At the time of construction and after all requirements have been met, a representative of the Bureau will meet with the developer or his representatives to discuss details of refuse collection.
  - Proposed use for the property: Single family dwelling
  - ALL PROPOSED BUILDINGS ARE TO MEET THE BUILDING CODE, AS WELL AS THE FIRE CODE REQUIREMENTS.



**PLAT TO ACCOMPANY  
PETITION FOR ZONING  
VARIANCE AND  
SPECIAL HEARING**

**FABULA FARM  
92-260-SPH #215**

**SURVEYED BY:**  
**COMPUTED BY: RICHARD SINGLE**  
**DRAWN BY: MICHELE J. FLOAM**  
**CHECKED BY: J. FINLEY RANSONE**

# TIMORE COUNTY PLANNING AND ZONING PHOTOGRAPHIC MAP

FABULA PROPERTY  
19960 Gore Mill Road

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
NORTH OF 6TH  
DISTRICT SCHOOL

SHEET  
N.W.  
35-E

92-264 SP# 276

# TIMORE COUNTY PLANNING AND ZONING AL ZONING MAP



FABULA PROPERTY  
19960 Gore Mill Rd

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
NORTH OF 6TH  
DISTRICT SCHOOL

SHEET  
N.W.  
35-E

92-264 SP# 276